IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21848 of 2004

Between:

M.Ramanamma, W/o.M.Uttanna,
Kadapavari Palli, Galiveedu Mandal,
Kadapa District.

..... PETITIONER

AND

1 The Revenue Divisional officer, Kadapa, Kadapa District.
2 The Mandal Revenue officer, Galiveedu, Galiveedu Mandal,

Kadapa District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Ref.C/649/2004, dated 16-11-2004 issued by the 1st respondent as arbitrary, illegal, politically motivated, colorable exercise of power, violative of the principles of Natural Justice apart from being violative of the Fundamental Rights guaranteed to the petitioner under Articles 14, 19(1) (g) and 21 of the Constitution of India and consequently set aside the same. and pass.

Counsel for the Petitioner:MR.V.R.REDDY KOVVURI

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:-

Petitioner challenges the order, dated 16.11.2004, passed by the 1st respondent, suspending the authorization. Petitioner states that she was appointed as a Fair Price Shop Dealer through proceedings, dated 06.10.1997, and ever since then, she is functioning without any complaints. She states that she was issued a show cause notice, dated 11.09.2004, with certain allegations, and on consideration of the explanation submitted by her, 1st respondent passed an order, dated 17.09.2004, imposing a fine of Rs.1,000/-. Petitioner states that on the same allegations, her dealership is now suspended through proceedings, dated 16.11.2004.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order, dated 17.09.2004, passed by the 1st respondent discloses that three charges were framed against the petitioner, such as, selling of commodities at higher prices; non-availability of the petitioner at the fair price shop, during the hours of inspection, and her failure to maintain the records and displaying the licence. On consideration of the explanation submitted by the petitioner, 1st respondent passed the proceedings by imposing a fine of Rs.1,000/-. In the order under challenge, the only allegation made against the petitioner is that she is residing at Pandillapalli and not in Kadapavandlapalli. It is also alleged that on account of distance of the shop from the Village, the Card Holders are facing difficulty. It is not alleged that the petitioner is running the fair price shop in any unauthorized premises. Once the respondents have approved particular premises for running a shop, they cannot suspend the authorization only on the ground that

the Card Holders are facing difficulty, on account of the distance.

This Court is of the view that it is a clear case of inventing new ground, even after dropping the charges that were framed against the petitioner. Therefore, the order of suspension is set aside. However, it is left open to the 1st respondent to issue notice and take appropriate action, if circumstances exist, in accordance with the relevant provisions of law.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 29th November, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Revenue Divisional officer, Kadapa, Kadapa District.
2 The Mandal Revenue officer, Galiveedu, Galiveedu Mandal,

Kadapa District.

3 2 CCS to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

4 2CD copies